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February 1, 2022

Sent Via ECF Filing

Hon. Vernon S. Broderick
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

RE: 1:22-cv-00663-VSB – Newman Capital LLC v. Private Capital Group, Inc. – Request to File Redacted Motion to Dismiss Papers

Dear Judge Broderick:

This law firm represents Defendant Private Capital Group, Inc. (“**Private Capital**”) in the above referenced matter. This letter is to request that, pursuant to the Court’s Individual Rules & Practices in Civil Cases and specifically Rule 5.B, the Court permit Private Capital to file several papers related to its motion to dismiss submitted herewith in redacted form.

Good cause exists to grant this request because Private Capital’s motion to dismiss papers reference a confidential document and its terms, which document is attached as Exhibit 10 to Private Capital’s memorandum of law and should not be disclosed pursuant to section 4 of the same. In accordance with the Court’s rules that “any redaction or sealing of a court filing must be narrowly tailored to serve whatever purpose justifies the redaction or sealing,” Private Capital has narrowly redacted only those limited portions of its motion to dismiss papers that reference the confidential document (and its terms) giving rise to this letter-motion.

Based upon the foregoing, Private Capital respectfully requests the Court to permit Private Capital to file its motion to dismiss papers in the redacted form submitted.

Sincerely,

BENNETT TUELLER JOHNSON & DEERE

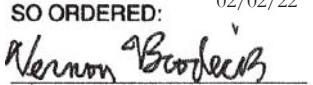


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I am in receipt of Defendant’s application to redact parts of its memorandum of law and to seal an attached exhibit. (Doc. 10.) Defendant has also provisionally sealed Docs. 11, 13, and 14. Defendant is directed to file a letter on or before February 9, 2022, demonstrating, with legal authority, countervailing factors in this case that overcome the presumption in favor of public access to judicial documents, where those judicial documents form the basis of the court’s adjudication. See, e.g., Union Square Limited v. Mr. Bar-B-Q Products LLC, No. 21-CV-11032 (VSB), 2022 WL 252080, at *3–5 (S.D.N.Y. Jan. 27, 2022). Defendant is also granted leave to refile a redacted notice of motion and memorandum of law, since it appears Defendant inadvertently filed highlighted copies rather than redacted copies on the public docket. (Docs. 11 & 13.) In the meantime, I will hold in abeyance my decision on Defendant’s application to redact parts of its memorandum of law and to seal an attached exhibit. So ordered.

SO ORDERED: 02/02/22

Vernon S. Broderick
HON. VERNON S. BRODERICK
UNITED STATES DISTRICT JUDGE